

TO: MEMBERS OF THE JUDICIARY COMMITTEE

FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)

DATE: MARCH 14, 2010

RE: **SUPPORT FOR SECTIONS 13 AND 14 OF RAISED BILL 5497 – AN ACT
CONCERNING THE RECOMMENDATIONS OF THE SPEAKER OF THE
HOUSE OF REPRESENTATIVES' TASK FORCE ON DOMESTIC VIOLENCE**

The Connecticut Trial Lawyers Association supports passage of the protections for employees who are victims of domestic violence contained in Sections 13 and 14 of the Act Concerning the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence – *i.e.*, the amendments to Conn. Gen. Stats. § 54-85b set forth in Section 13 which protect employees who are victims of domestic violence from negative consequences on the job for participating in civil as well as a criminal proceedings and extend the statute of limitations for bringing claims under the act from 90 days to 180 days and the new statutory provisions set forth in Section 14 which require employers to grant employees who are victims of domestic violence paid or unpaid leave that is reasonably necessary to seek medical care or counseling, to obtain victim services or to participate in related criminal or civil proceedings.¹

¹CTLA understands that the following key provision which grants a private cause of action to an employee was inadvertently omitted from Section 14 in the version of Raised Bill 5497 before the Committee today:

If an employer discharges, penalizes or threatens or otherwise coerces an employee because the employee exercises his or her rights under subsection (-) of this section, the employee, not later than two years from the occurrence of such action, may bring a civil

In addition, CTLA strongly supports Raised Bill 5284 which designates individuals who are actual or perceived victims of domestic violence as a protected class under the Fair Employment Practices Act [FEPA], Conn. Gen. Stats. § 46a-60, and requests that the Judiciary Committee add it as a new section under the omnibus bill, Raised Bill 5497. Raised Bill 5284 has been referred by the Labor and Public Employees Committee to the Judiciary Committee.

At present there is no statute in Connecticut which is intended specifically to protect victims or perceived victims of domestic violence who are discriminated against by their employers in the terms and conditions of their employment because of their status as victims or perceived victims of domestic violence.

There is substantial need for this legislation. According to author Susan Pollet, "Domestic Violence in the Workplace; It's an Employer's Business" *Employment Law Strategist* (August 2005), 70 % of domestic violence victims are employed and one-quarter to one-half of all battered women lose their jobs due to domestic violence. Additionally, according to the Connecticut Coalition Against Domestic Violence's [CCADV] website, domestic violence is the number one cause of the loss of employment for women in the United States.

Conn. Gen. Stats. § 54-85b, as amended by Section 13 of Raised Bill 5497, provides essential protection on the job for victims of domestic violence who participate in criminal and, as amended, civil proceedings. The existing 90 statute of limitations is too short. The amendment extending the limitations period to 180 days is required because victims who are in

action for damages and for an order requiring the employee's reinstatement or otherwise rescinding such action. If the employee prevails, the employee shall be allowed a reasonable attorney's fee to be fixed by the court.

It is essential that this provision be included in the bill so that the protections afforded by the statute can be enforced by an injured employee.

crisis cannot be expected to avail themselves of the protections of the act in so short a time.

Likewise, the right to take reasonably necessary leave guaranteed under Section 13 of Raised Bill 5497 provides a much needed protection for victims of domestic violence. Victims of domestic violence need the ability to obtain reasonable leave from work in order to deal with the unique challenges they face. For example, a victim of domestic violence may need time off from work to appear in court when a perpetrator of violence is arrested or time off to attend required counseling sessions or in order to make arrangements for minor children who may be affected by the domestic violence.

Finally, CTLA strongly urges the Committee to designate victims or perceived victims of domestic violence as a protected class under FEPA by including the provisions of Raised Bill 5284 among the protections afforded victims of domestic violence in Raised Bill 5497.

Unfortunately, victims and perceived victims of domestic violence are subjected to discrimination on the job simply because of their status as victims or perceived victims.

Designating victims of domestic violence and perceived victims of domestic violence as a protected class under FEPA will provide a necessary protection for these vulnerable workers.